

Board of Selectmen
October 31, 2012 (Re-scheduled meeting of October 29, 2012)

PRESENT: Richard Griffin, Chairman
Richard Nichols, Vice Chairman
Michael Pierce, Selectmen
Philip Bean, Selectmen
Ben Moore, Selectmen
Frederick Welch, Town Manager

7:00 PM Public Meeting – Selectmen’s Meeting Room, Downstairs Town Offices

SALUTE TO THE FLAG

I. Public Hearing RSA 674:40-a, III Public Highway Acceptance

1. Cassie Lane
 - a. Acceptance of Street as a Public Highway

Mr. Jacobs provided information on the following for the Board: inspected several times, the requested maintenance improvements have been made, the road is well built but he has concerns with the drainage system. Mr. Welch shared his concerns with Cassie Lane with respect to the following: the drainage system will never be accepted by the Town as the system was not built within the roadway, the drainage system/easements is outside the roadway and are on private property “Lot #4”; the utility agreement with the Utility Companies still needs to be executed to clear the covenant and easement regarding utilities; there is no approved plan by the Planning Board for the responsibility of and the maintenance of the drainage systems, there is no provision on the subdivision plan for these responsibilities, never approved or brought before the Planning Board. Mr. Welch recommends a covenant be created by the Developer that releases those holdings [responsibility of and the maintenance of] to the owner of lot #4. The covenant would place the drainage maintenance responsibilities of the road’s drainage system onto the owner of Lot #4, and maintenance notes would need to be included in the covenant for the property owner to follow in order to maintain the drainage system and drainage area.

Atty. Gearreald provided information on the negative impacts on the road when the drainage system is not maintained; it would affect this road, Exeter Road and adjacent property owners.

Comments from the Public

Mary Louise Woolsey made comments and asked questions about: location of Cassie Lane, wetlands, drainage maintenance and stated that she thought it was the Planning Boards

responsibility to take care of issues such as these; to have the developer go through the proper steps in these developments.

Comments from the Board:

Mr. Moore made comments and asked questions as follows: concerns with issues of drainage and easement involved, drains toward Exeter Road, by not giving easement for Town to cross onto private land to maintain drains, what happens if the Board does not approve, cost to maintain drains for one year, worst case scenario if the drains are not maintained and concerns with consequences in future years. Mr. Jacobs and Mr. Welch provided answers to Mr. Moore's question. The road is an approved subdivision road under Planning Board regulations, is open to the public use, but it is not a Town of Hampton public highway/road, it will not be the Town's responsibility to maintain it, the property owners on the road would be responsible for its maintenance.

Mr. Jacobs provided further history on this subdivision and history of drainage problems that were corrected by the contractor. Maintenance of the drainage system would be less than \$1000 for the property owner; it would be as normal lawn maintenance, trimming and mowing. If it is not maintained correctly, the Town would bi-yearly have to clean the four catch basins in the road; normally the cleaning of catch basins is not yearly.

Mr. Pierce had comments and asked questions on the following: from the pictures the Board has received, make it clear that the property owner needs to keep the swales and to clean the drain pipes out, problems with enforcement and reluctant to move forward on this. Atty. Gearreald addressed Mr. Pierce's concerns in regards to enforcement. Mr. Welch went through the ability to enforce.

Mr. Bean made comments and asked questions as follows: if a member of the Planning Board is present, what measures in place to prevent this from happening in the future, reluctant to impose a burden on property owner, cost if Town was to maintain the drains, the cost appears to be minimal and he would support not placing the burden on the property owner. Chairman Griffin and Mr. Welch both addressed Mr. Bean's concerns regarding the Planning Board role and plan review committee preventing this type of problem occurring again in the future.

Mr. Nichols asked questions and made comments as follows: maintenance prior to a large storm, how many different outlets did DPW have to go out and check prior to Hurricane Sandy, went through what the Board is accepting tonight and in the interim period what will happen.

Mr. Jacobs addressed Mr. Nichols questions. In the next month, and until all the conditions are fulfilled, the Town will not take responsibility of the road until all the conditions are fulfilled.

Atty. Gearreald addressed the Boards concerns regarding easements and covenants, exposing an expense on property owners. Mr. Welch also commented on the easements and utility letter of agreement.

Mr. Moore MOTIONED to MOVE that Cassie Lane be conditionally accepted by the Board as a public highway under RSA 674:40-a, to be effective upon compliance with the following conditions:

- a. Execution of the utility letter of agreement by Unitil and Northern New England Telephone within 30 days [from this date] (which the Town Manager is then authorized to sign on behalf of the Town); and
- b. Recording within 30 days in the Rockingham County Registry of Deeds by GTK Holdings, LLC of a covenant, acceptable in form to the Town Attorney and that would be binding upon any affected lenders, by which the owner of remaining Lot #4 would have full responsibility for and bear the full expense of the maintenance of the two drainage easement areas located on said Lot #4, which said responsibility shall be reflected in any subsequent deed of said Lot #4 by GTK Holdings, LLC or its successors, with said maintenance to include:
 - i. Keeping rip rap areas free of any vegetation;
 - ii. Maintaining remaining easement areas as grassed, and mowed to a height no higher than 3 inches; and
 - iii. Ensuring compliance with the various maintenance notes on Sheet Numbers 5 of 7, 6 of 7, and 7 of 7 of the Cassie Lane project plan set approved by the Hampton Planning Board on May 25, 2005 (copies attached).

Mr. Pierce SECONDED.

Discussion on motion.

Mr. Nichols believes the Board may want to approve item a. and maybe not b. If item b. is not approved we still have a problem, as we do not have a legal right to enter onto the property in order to maintenance.

Mr. Moore commented on Mr. Welch's comment earlier in regards to this being the best solution to this problem, having item b. to be included.

Mr. Nichols pointed out that this is similar to conditions made on Nathaniel Court.

VOTE: 4-0-1(Beau)

- b. Signature of Warranty Deed
- c. Authorize Town Manager to sign Utility Letter of Agreement

Items b. and c. are included in the motion for the acceptance of Cassie Lane.

II. Presentation of Service Certificate

1. Reverend Dr. Henry Stonie

Chairman Griffin read the certificate. The Reverend Dr. Stonie thanked the Board and made a few comments upon receipt of certificate.

III. Public Comment Period

Mary Louise Woolsey made comments as follows: budget concerns, significant investment in recycling, rate of return on recycling is unacceptable, Boards need to work with current DPW Director on trash/recycling, unfairness to DPW Director, true cost is not being made available to the public, hopes they do some real work on the DPW budget before the Budget Committee discusses and lastly she is on a war path on this.

Lawrence Douglas, 248 Landing Road, shared problems that he is having with skunks on his property and the measures he has taken to correct this problem. He discussed the job description of the Animal Control Officer and being told he would have to contact a company in Dover and pay for the removal. Mr. Welch will follow up with the Police Chief tomorrow. Mr. Nichols expressed concerns with the Town taking care of skunks on private property. There was an additional discussion on whose responsibility it should be.

Prior to Agenda Item IV. The Board discussed item #1 of New Business

1. RSA 674:41,I,(d),(1)
 - a. Keefe Avenue Development

Atty. Saari explained that this is an unusual situation. He discussed the statute in regards to public roads and the process they are going through. Mr. Welch agrees that there is statute that deals with this subject and a letter that was sent to the Planning Board requesting their comments and this Board would need their comments to make a decision. The guidance has to be there for the process to continue. Mr. Welch went through some information about Keefe Avenue. He believes that the Board needs more information from the Planning Board before anything can be done by this Board.

Discussion

Chairman Griffin commented on this development and the number of units that have been developed on this road before.

Atty. Gearreald explained that this is the first time this issue has come before him in his tenure. He went through the requirement of building permits being approved by this Board for private roads. He discussed the letter sent to the Planning Board and the comments that came back from the Planning Board. Atty. Gearreald would recommend that the Board hold this subject in abeyance pending more information and detail concerning this development from the Planning Board.

Mr. Pierce expressed concerns with the Conservation Commission since it is right next to the water.

Mr. Nichols MOTIONED to hold the matter in abeyance until they receive information from the Planning Board. Mr. Pierce SECONDED.

VOTE: 5-0-0

IV. Announcements and Community Calendar

Mr. Pierce thanked everyone who contributed to PC's for kids.

Mr. Moore announced the Christmas Parade is on December 1st.

Chairman Griffin thanked Mr. Nichols for starting the meeting for him and explained why he was late.

V. Appointments

1. Hampton Mosquito Control Commission
 - a. Mosquito Control Contract Award and Contract Discussion

Ann Kaiser, Richard Reniere and Russ Bernstein all present tonight. Ms. Kaiser provided an update on the RFP they sent out including: received 2 responses, as there are only two municipal contractors in this area, the Commission reviewed the results of bids and the vote is to go with the Dragon Control as used in past and it is for a three year contract. Mr. Reniere provided further details on the bids they received including Dragon cost remains the same for each of the three years and the other vendor increases by 2% each year. He also went into some details of what process each bidder planned to use.

Discussion

The following members of the Board asked questions and made comments which were addressed by the members of the Mosquito Control Commission present tonight.

Mr. Moore asked questions and made comments as follows: advertising they used, adulticiding timing, cost of adulticiding and cost of larviciding.

Mr. Pierce commented on the fact that Dragon appears to be a little more expensive but the Town has used them for so many years and have been happy with the service.

Mr. Bean thanked the committee for their hard work and the job they have done.

Mr. Pierce MOTIONED to AWARD the contract for Mosquito Control to Dragon Mosquito for a three year contract as presented to the Board. Mr. Nichols SECONDED.

VOTE: 5-0-0

2. DPW Director

a. Departmental update

Mr. Jacobs, Deputy Director, present tonight to provide the report to the Board. He discussed the different items that have taken place in the following areas: Administration, WWTP, Highway section, Transfer Station and Sewer & Drains section.

Discussion

The following members of the Board asked questions and made comments as follows which were addressed by Mr. Jacobs.

Mr. Nichols asked questions and made comments as follows: cost of UNH paving study, cost of recycling research being done and drainage in Tuck/Mill Road area.

Mr. Moore asked questions and made comments as follows: bid date on Church Street Pump Station, status of FST work on the west side streets and experience on Belmont and Fairfield in regards to sump pumps.

3. Park and Recreation Director

a. 2013 Warrant Articles

i. Campbell Property

Mrs. Martin provided the Board with the plans for Campbell Property ball fields. She discussed the following: been on the docket for 14 years, how the price was calculated, location of the property and property purchased 16 years ago for recreation and conservation. The current fields are used extensively; there is a need for more fields; rotation of use to allow fields to regenerate.

Discussion

The following members of the Board asked questions and made comments which were addressed by Mrs. Martin.

Mr. Nichols asked questions and made comments as follows: how much of field use is made up children compared to adults, use of fields by surrounding towns, long-term lease of the Campbell Property to a private entity.

Mr. Bean made comments as follows: information placed on the website, wonderful job department does, a different motif for these fields, some different things that might be done and thanked her for bringing project forward.

Mr. Pierce asked questions and made comments as follows: not in favor of project, not the year to put this on the ballot, feels there are plenty of fields, current fields not used all the time, not enough activities to fill the current fields and they should stand up and not even put this on the ballot.

Mr. Moore asked questions and made comments as follows: revenue brought in by adult leagues and possibility of increasing these fees.

Chairman Griffin thanked her for the presentation.

ii. Office Space at Tuck Field

Mrs. Martin is not prepared to discuss this and she explained why. The department is trying to start a fund, which will be for the office space.

Discussion

The following members asked questions and made comments as follows and which were addressed by Mrs. Martin.

Mr. Pierce is not real comfortable putting forward an article with no real plans in place.

Mr. Moore commented on the need for a discussion at a non-public session in regards to a piece of property.

Mr. Bean made the following comments: use for fields such as hitting golf balls and reengineer the designs for the fields.

Mr. Nichols made comments and asked questions as follows: questions the cost of the whole project including office space and garage, concerned with spending money on designs not knowing total cost of project, concern with use of Recreation Fund for office space and shared why and need to have money to maintain not just expand something.

b. 2013 CIP - replacement of Kid's Kingdom

Mrs. Martin made comments as follows: has had it inspected to confirm need for replacement, the replacement does not need to be done this year, but it does need to be done; worried about the liability to the Town regarding the condition of the equipment and does not want to mess with liability; need to be proactive for its replacement, since it is the major playground for the community, serves 250 children, and is used year-round, and would like to do this project all at once not piecemeal, with little downtime, the replacement of the equipment needs to be in accordance with safety standards.

Discussion

The following members of the Board made comments and asked questions as follows which were addressed by Mrs. Martin.

Mr. Nichols commented that the only pressing problem is with wood and splintering and believes this problem could be solved for short money by flipping the boards.

Mr. Bean is all for Kid's Kingdom and the young people of Hampton.

Mr. Moore commented that we will need to investigate this to resolve this situation.

Mr. Pierce commented that we need to address this since we have been made aware of problem.

4. Anthony Ciofi

a. Highway Safety Committee Responsibilities

Mr. Ciofi and Mr. Douglas both present to discuss the following with the Board: committee has meeting for a year or so, trying to get committee back on track as to duty and responsibilities, current active members, went through what the committee has put together as responsibilities, meets once a month and history of committee. Their ideas include: membership, forum for residents to express their concerns and review proposed plans for safety issues. He reiterated that the main goal is to see where the Highway Safety Committee fits.

Discussion

The following members of the Board asked questions and made comments as follows which were addressed by Mr. Ciofi.

Chairman Griffin asked about an issue that was brought up at the Planning Board.

Mr. Pierce asked questions and made comments as follows: some things that were done in the past by members of the committee, not a Selectmen's committee so they have no control and therefore cannot tell them what to do.

There was a discussion on the ability of the committee to review plans in a similar way as the current plan review committee does.

Chairman Griffin suggested that they talk to Judy Parks for some insight.

Mr. Bean thanked them for coming in.

Mr. Nichols commented on the review of plans for new projects.

Mr. Douglas concerns with some overlap between the committee and the Public Comment Period at this meeting.

Mr. Welch suggested that they discuss some items such as additional members with Chief Sullivan.

5. Recycling Committee

a. Presentation of a Policy Proposal for Recycling and Trash Pick-up

Norman Silberdick of the Recycling Committee started discussion by asking what percentage of the Boards personal trash is recycled which Mr. Pierce, Chairman Griffin and Mr. Nichols answered. The item the Recycling Committee is struggling with is recycling be stuck at 32% and things they are doing to try and increase this amount. Proposals the committee has come

up with in regards to enforcement of recycling for the Board to review. They have also made suggestive changes to the ordinance which has been presented to the Board.

Discussion

The following members of the Board asked questions and made comments as follows which were addressed by Mr. Silberdick.

Chairman Griffin commented that he would be in favor of the use of clear bags and suggested the committee may wish to put together a warrant article. He does not think the pay-to-throw policy would pass.

Mr. Bean commented on the difference of opinions between recycling committee and DPW Director.

Mr. Nichols made comments as follows: clear plastic bag good idea, not in favor of fines, trash police not a good idea and goals of 60 and 70% a little high.

Mr. Pierce made comments as follows: in beginning this was an education committee, running out of education that can be done and ability to not pick up trash as long as there is a means to get rid of trash.

Mr. Moore made comments as follows: have mandatory recycling, now want clear trash bags, definitely not in favor of the trash police, possibility of getting rid of trash service altogether, things that are not recyclable and not in favor of fines.

Ms. Latimer joined the Board and discussed the following: two part presentation from the committee, research done through the summer months by many of the committee members, ability to make money from recycling, problems in the summer with the number of people who come to Hampton, laws in regards to the ability to check trash, fine system could work and asked to be allowed to come back in with her research figures before any decisions are made.

Mr. Bean reiterated that a fine system is not going to fly with this Board.

Chairman Griffin agrees with a lot of what Ms. Latimer has said in regards to people liking this program.

The Board agreed that Ms. Latimer will come back to the Board once the committee has a complete report to present to the Board.

Mr. Bean thinks people are in favor of recycling and questions exactly where the numbers are coming from that Ms. Latimer is referring to.

VI. Approval of Minutes

1. October 15, 2012

Page 1, last paragraph, change Lemers to Lamers”

Page 4, 3rd paragraph, second line, under VI. Budget; insert the following after the word increase “in net of Debt Service”

Mr. Nichols MOTIONED to APPROVE the minutes of October 15, 2012 as amended. Mr. Moore SECONDED.

VOTE: 5-0-0

2. October 15, 2012 Non-Public Meeting

Mr. Nichols MOTIONED to APPROVE the Non-public minutes of October 15, 2012. Mr. Pierce SECONDED.

VOTE: 5-0-0

3. October 22, 2012 Non-Public Meeting

Mr. Pierce MOTIONED to APPROVE the minutes of October 22 2012 as amended. Mr. Nichols SECONDED.

VOTE: 5-0-0

VII. 2013 Warrant Articles

Discussion postponed to November 5, 2012

Mr. Nichols informed the Board that he and Mr. Moore met last week with Mr. Schwotzer and Mr. Noyes and he will have an update on two of the warrant articles next week.

VIII. Old Business

1. Appointment to the Hampton Beach Area Commission

a. John Nyhan

Mr. Moore MOTIONED to APPROVE the Appointment of John Nyhan to the Hampton Beach Area Commission. Mr. Pierce SECONDED.

VOTE: 5-0-0

2. RSA 33-A

a. RSA 33-A:5 Microfilming

b. RSA 33-A:5-a Electronic Records

Discussion

Mr. Nichols made comments as follows: asked Assessor to research the need to store all old records on microfilm, shared the results of the research in regards to storage of old records, DRA and Town Attorney agree with results of storing records electronically upon vote of the Records Committee and money in budget should remain and be used for the purpose of implementing some sort of a strategy for keeping the other necessary records.

Mr. Nichols MOTIONED to APPROVE that the Board ask the Municipal Records Committee to hold a meeting and that they not proceed with the microfilming of the property tax records as described. Chairman Griffin SECONDED.

Discussion on motion

Mr. Nichols pointed out that the current practice is to keep electronic versions of property tax cards.

Mr. Welch is opposed to the motion and shared reasons why he feels this way. He shared a story where electronic records were lost because they were deleted in error.

Mr. Nichols shared the research he has done by talking with Paul Paquette and the backup practices that he has in place.

Mr. Pierce thinks that having the backup off-sight is sufficient. He also shared some negatives of using microfilm in his opinion.

VOTE: 5-0-0

IX. New Business

3. 2012 Annual Report Cover Approval

Chairman Griffin commented that the cover sample was done by Art Gopalan and work by Hampton Arts Network.

Mr. Moore MOTIONED to APPROVE the 2012 Annual Report Cover. Mr. Pierce SECONDED.

VOTE: 5-0-0

Other New Business

Mr. Moore asked that the draft cart replacement policy be on the agenda next week.

X. Consent Agenda

1. Parade and Public Gatherings License "Hampton Christmas Parade" 12/01/12
2. Solicitation Permit "Experience Hampton Inc."
3. Raffle Permit "Toy Bank" Hampton Firefighters L-2664

Mr. Moore MOTIONED to MOVE the Consent Agenda. Mr. Bean SECONDED.

VOTE: 5-0-0

XI. Selectmen's Closing Comments

Mr. Nichols commented on the warrant articles including: spending on recreation should be focused on maintaining as opposed to expanding and does not feel it is a proper approach to allow the voters decide on these recreation warrant articles, when it results in a 7% or 12% increase in the tax rate. Chairman Griffin agrees with a lot of what he has to say but the voters should be able to decide once the Selectmen have recommended or not recommended. Mr. Nichols commented once again on his opposition to allowing the voters decide. Mr. Bean agrees with some comments that Mr. Nichols has made but also believes that there are as many supporters of recreation including him and they should wait to see what the Director brings forward.

XII. Adjournment

Mr. Bean MOTIONED to adjourn the public meeting. Mr. Moore SECONDED.

VOTE: 5-0-0

Chairman